

HOUSE BILL No. 1372

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8.

Synopsis: Police and fire departments. Specifies that the fire and police departments of towns and townships have the same residency requirements for their members as city police and fire departments have for their members. Adds employment requirements for the position of police chief of a town that has a metropolitan board of police commissioners. Resolves a conflict in the statutes governing the town board of metropolitan police commissioners.

Effective: July 1, 2001.

Whetstone

January 11, 2001, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1372

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-4-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter applies to:

3 (1) all cities; and

4 (2) towns and townships, where indicated in this chapter.

5 SECTION 2. IC 36-8-4-2 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) **This section applies to all**

7 **cities, towns, and townships.**

8 (b) Except as provided in subsections ~~(c)~~ (d) and ~~(d)~~ (e), members
9 of the police and fire departments must reside in Indiana in one (1) of
10 the following areas:

11 (1) Within the county in which the city, town, or township is
12 located; or

13 (2) In a county that is contiguous to the county in which the city,
14 town, or township is located.

15 ~~(b)~~ (c) In a consolidated city, a member who was residing outside
16 the county on January 1, 1975, is exempt from subsection ~~(a)~~ (b).

17 ~~(c)~~ (d) A municipality with a population of less than seven thousand



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1 five hundred (7,500) may adopt an ordinance that requires a member
 2 of the municipality's police or fire department to comply with the
 3 following:

- 4 (1) Reside within the county in which the municipality is located.
- 5 (2) Have adequate means of transportation into the municipality.
- 6 (3) Maintain in the member's residence telephone service with the
 7 municipality.

8 ~~(d)~~ (e) This subsection applies to a municipality that:

- 9 (1) has a population of less than seven thousand five hundred
 10 (7,500); and
- 11 (2) adopted an ordinance to establish the requirements described
 12 in this subsection before September 1, 1984.

13 A municipality may require, in addition to the requirements of
 14 subsection ~~(c)~~, (d), that a member of the police or fire department
 15 reside within the municipality until the member has served in the
 16 department for five (5) years.

17 ~~(e)~~ (f) An ordinance adopted under subsection ~~(c)~~ (d) or described
 18 in subsection ~~(d)~~(2) (e)(2) may not require a member of a
 19 municipality's police or fire department to reside within the county in
 20 which the municipality is located if the member resides outside the
 21 county on the date the ordinance is adopted.

22 SECTION 3. IC 36-8-4-6.5 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) This section
 24 applies to the appointment of a police chief or deputy police chief in all
 25 cities **and towns**.

26 (b) An applicant must meet the following requirements:

- 27 (1) Have five (5) years of service as a police officer with a
 28 full-time, paid police department or agency.
- 29 (2) Be a citizen of the United States.
- 30 (3) Be a high school graduate or equivalent.
- 31 (4) Be at least twenty-one (21) years of age.
- 32 (5) Be free of mental illness.
- 33 (6) Be physically fit.
- 34 (7) Have successfully completed the minimum basic training
 35 requirements established by the law enforcement training board
 36 under IC 5-2-1, or have continuous service with the same
 37 department to which the applicant was appointed as a law
 38 enforcement officer before July 6, 1972.

39 (c) In addition to the requirements of subsection (b), an applicant for
 40 appointment as police chief or deputy police chief must have at least
 41 five (5) years of continuous service with the police department of that
 42 city immediately before the appointment. This requirement may be

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1 waived by the city executive.

2 SECTION 4. IC 36-8-9-3, AS AMENDED BY P.L.103-2000,
3 SECTION 2, AND P.L.98-2000, SECTION 27, IS CORRECTED AND
4 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:
5 Sec. 3. (a) The board consists of three (3) commissioners appointed by
6 the town legislative body. The commissioners must be of good moral
7 character and legal residents of the town. Not more than two (2) of the
8 commissioners may be of the same political party. All three (3)
9 commissioners shall be appointed *as specified in the ordinance*
10 *creating the board in January following the adoption of the enabling*
11 *ordinance by the legislative body of the town.* One (1) commissioner
12 serves for one (1) year, one (1) commissioner serves for two (2) years,
13 and one (1) commissioner serves for three (3) years. On January 1 of
14 each year one (1) commissioner shall be appointed to serve for a term
15 of three (3) years. Each commissioner is subject to removal by the
16 legislative body for any cause that the legislative body considers
17 sufficient.

18 (b) After the initial appointment of the three (3) commissioners, the
19 town legislative body may, by ordinance, increase the size of the board
20 by providing for the appointment of two (2) additional commissioners.
21 The commissioners must be of good moral character and legal residents
22 of the town. The additional commissioners may not be members of the
23 same political party. Each additional commissioner shall be appointed
24 to serve for a term of three (3) years, however the initial appointment
25 need not be for three (3) years if the town legislative body adopts, by
26 ordinance, a staggered system for the terms of the additional members.
27 The terms of additional members begin January 1 following the date of
28 their appointment. Each commissioner appointed under this subsection
29 is subject to removal by the legislative body for any cause that the
30 legislative body considers sufficient.

31 (c) Before entering upon his duties, each commissioner shall take
32 and subscribe an oath of office before the clerk of the county in which
33 the town is located. Each commissioner shall also take and subscribe
34 before the clerk the further oath or affirmation that, in each
35 appointment or removal made by the board to or from the town police
36 department under this chapter, he will not appoint or remove a member
37 because of the political affiliation of the person or for another cause or
38 reason other than that of the fitness of the person. The oath and
39 affirmation shall be recorded and placed among the records of the
40 court.

41 (d) Each commissioner shall give bond in the penal sum of five
42 thousand dollars (\$5,000), payable to the state and conditioned upon

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the faithful and honest discharge of his duties. The bond must be approved by the legislative body.

(e) The salary of the commissioners shall be fixed by the legislative body and is payable monthly out of the treasury of the town.

SECTION 5. IC 36-8-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The board may appoint, subject to the qualifications for employment determined by the board and approved by the town legislative body, as many persons as necessary to serve in the police department of the town. One (1) person shall be appointed to serve as the police chief. The board may also appoint other employees that are necessary to carry on the work of the police department.

(b) The board may recommend and the town legislative body shall determine the compensation to be paid to members of the police department in amounts that are just and reasonable.

(c) All persons appointed must be of good moral character and serve only during good behavior. The board constitutes the safety board of the town for purposes of the suspension, demotion, or dismissal of any member of the police department. Proceedings for the suspension, demotion, or dismissal of any member of the police department shall be conducted in the manner prescribed by IC 36-8-3-4. The disciplinary provisions of IC 36-8-3-4.1 also apply to the safety board and the police chief.

(d) The board may make general and special rules for the government and discipline of the police department and may make special and general orders to the department through the police chief, who is the executive head of the department.

~~(e) Members of the police department must:~~

- ~~(1) reside within the county in which the town is located;~~
- ~~(2) reside within fifteen (15) miles of the corporate boundaries of the town;~~
- ~~(3) have adequate means of transportation into the town; and~~
- ~~(4) maintain in their residence telephone service with the town.~~

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